

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE – WESTERN DIVISION

FILED BY JAN .D.C.

05 OCT 24 AM 11:59

MILDRED ISABEL, CHARLES and EVALINA
BLACK and ELIZABETH GATE on behalf of
themselves and all similarly situated persons,

Plaintiffs,

V.

VELSICOL CHEMICAL COMPANY, an
Illinois corporation

Defendant.

Case No. 04-2297-DV

JURY TRIAL DEMANDED

(Hon. Judge Bernice B. Donald)

**WATSON BURNS, PLLC'S UNOPPOSED MOTION
TO WITHDRAW AS COUNSEL FOR PLAINTIFFS**

COMES now William F. Burns, Esq. and Frank L. Watson, III, Esq. of the firm of WATSON BURNS, P.L.L.C. ("**WATSON BURNS**"), pursuant to Local Rules 7.2 and 83.6 1(b), and hereby moves the Court for leave to withdraw as counsel for Mildred Isabel, Charles and Evalina Black, Elizabeth Gate, and all similarly situated persons ("putative class") and would state as follows:

1. On March 11, 2004, Murray B. Wells, Esq. and Arthur E. Horne, III of the firm of Horne & Wells, PLLC filed the instant class action complaint in the Chancery Court of Shelby County, Tennessee. On April 26, 2004 the Defendant removed this action to the United States District Court for the Western District of Tennessee. From March 11, 2004 until May 23, 2005,

MOTION GRANTED

DATE: 10-25-2001

BERNICE BOUIE DONALD
U.S. DISTRICT JUDGE

This document entered on the docket sheet in compliance with Rule 58 and/or 79(a) FRCP on 10-26-05

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the named plaintiffs and the putative class was represented exclusively by Arthur E. Horne, III and Murray B. Wells of the firm of Horne and Wells, PLLC.

1. In or around May, 2005, the firm of Horne and Wells, PLLC requested the assistance of the attorneys of Watson Burns, PLLC in prosecuting this litigation. On May 23, 2005, Watson Burns, PLLC filed a notice of appearance on behalf of the named plaintiffs and the putative class.

2. Differences have arisen between the attorneys of Watson Burns, PLLC and the attorneys of Horne and Wells, PLLC on various matters including how to move forward in this litigation. Notwithstanding counsels' diligent and repeated efforts to resolve these differences, they have been unable to do so. All members of the plaintiffs' class action counsel team believe that it will be in the best interest of the named plaintiffs and the entire putative class to allow the original putative class counsel firm of Horne & Wells, PLLC to proceed forward with the prosecution of this litigation without the involvement or participation of the attorneys of Watson Burns, PLLC.

3. The existence of these differences provide sufficient good cause to (a) grant Watson Burns, PLLC, William F. Burns, and Frank L. Watson, III permission to withdraw as counsel for Plaintiffs and all putative class members (b) and to relieve Watson Burns, PLLC, William F. Burns and Frank L. Watson, III, of any further responsibility for representation of the named Plaintiffs and the putative class members in this case.

4. Watson Burns, PLLC has notified opposing counsel of its intention to file this Motion and opposing counsel has no opposition to the relief requested herein. In addition, after consultation, the firm of Horne & Wells, PLLC has no opposition to the relief requested herein and welcomes Watson Burns, PLLC's removal from this litigation.

WHEREFORE, the Court is respectfully requested to enter an Order granting leave for William F. Burns, Frank L. Watson, III, and the firm of Watson Burns, PLLC to withdraw as

counsel for the named Plaintiff and all putative class members and discharging and relieving the withdrawing attorneys from any and all further responsibility for representation in this matter.

Respectfully submitted,



Frank L. Watson, III, TN Bar # 15073
William F. Burns, Esq. TN Bar # 17908
Watson Burns, PLLC
One Commerce Square
Suite 2600
Memphis, TN 38103
Telephone (901) 578-3528
Facsimile (901) 578-2649

CERTIFICATE OF GOOD FAITH CONSULTATION

Pursuant to Local Rules, William F. Burns and Frank L. Watson, III have consulted with Murray B. Wells, Esq. and Jill Steinberg, Esq. who have both stated that they do not oppose and have no objection to the relief sought in this Motion to Withdraw.



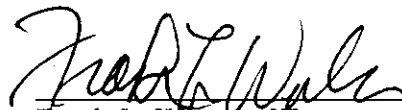
Frank L. Watson, III

Certificate of Service

I certify that a copy of the foregoing was sent via U.S. Mail, postage prepaid, to the counsel listed below on this 19th day of October, 2005.

Murray B. Wells, Esq.
HORNE & WELLS, PLLC
81 Monroe Avenue
Suite 400
Memphis, Tennessee 38103

Jill Steinberg, Esq.
Thomas Barnett, Esq.
**BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC**
Suite 2000
165 Madison Avenue
Memphis, Tennessee 38103



Frank L. Watson, III



Notice of Distribution

This notice confirms a copy of the document docketed as number 28 in case 2:04-CV-02297 was distributed by fax, mail, or direct printing on October 26, 2005 to the parties listed.

Jill M. Steinberg
BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ
165 Madison Ave.
Ste. 2000
Memphis, TN 38103

William F. Burns
WATSON BURNS, LLC
One Commerce Square
Ste. 2600
Memphis, TN 38103

Gary C. Shockley
BAKER DONELSON BEARMAN & CALDWELL
211 Commerce St.
Ste. 1000
Nashville, TN 37201

Quitman Robins Ledyard
BOROD & KRAMER
80 Monroe Ave.
Ste. G-1
Memphis, TN 38103

Bruce S. Kramer
BOROD & KRAMER
80 Monroe Ave.
Ste. G-1
Memphis, TN 38103

Jason G. Wolfkill
BOROD & KRAMER
80 Monroe Ave.
Ste. G1
Memphis, TN 38103

Arthur E. Horne
HORNE GILLULY & WELLS, PLLC
81 Monroe Ave.
Ste. 400
Memphis, TN 38103

Murray B. Wells
HORNE GILLULY & WELLS, PLLC
81 Monroe Ave.
Ste. 400
Memphis, TN 38103

Frank L. Watson
WATSON BURNS, LLC
One Commerce Square
Ste. 2600
Memphis, TN 38103

Honorable Bernice Donald
US DISTRICT COURT